IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.20246 of 1999

P.K.Shafi .. Petitioner

vs.

1. The Union of India rep. by
Secretary to the
Ministry of Railway
New Delhi

2. The Senior Divisional Commercial Manager
Madurai. ..Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the second respondent in ref.No.U.C.77/II/MDU/Vol.II, dated 20.4.1999 and ref No.U/C 77/II/MDU/Vol.II, dated 16.9.1999 and quash the said order of the second respondent, dated 20.4.1999, as confirmed by order, dated 16.9.1999, award costs.

For petitioner : Mr.K.Kannan
For respondents : Mr.V.G.Suresh Kumar

O R D E R

Heard Mr.K.Kannan, the learned counsel appearing for the petitioner and Mr.V.R.Gopalan, the learned counsel appearing for the respondents.

2. It is stated by the petitioner that he had applied to the second respondent, on 22.2.1994, for running a non- vegetarian refreshment room at Madurai Railway Junction. The petitioner was awarded the contract for a period of five years, fixing the provisional licence fee of Rs.22,235/-, by the proceedings of the respondent in ref No.U/C 73/II/MDU/Vol.II, dated 25.4.1994.

3. It is further stated by the petitioner that according to the terms of the contract, on completion of three months of performance by the licencee, the licence fee would be revised based on the sales

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assessment and the final licence fee would be fixed with retrospective effect. After the completion of the said period, the second respondent had informed the petitioner by the impugned proceedings that the licence fee has been revised as Rs.1,11,000/- per annum. It was also informed that, after the adjustment of the provisional licence fee paid by the petitioner, the balance amount demanded from the petitioner was Rs.4,86,340/-.

4. It is further stated by the petitioner that in spite of the representation made by the petitioner, on 19.5.1999, to review the decision, the second respondent had reiterated the demand by his proceedings, dated 16.9.1999. Hence, the petitioner has preferred the present writ petition before this Court, invoking Article 226 of the Constitution of India.

5. At the stage of the hearing of the writ petition, the learned counsel appearing for the respondents had submitted that the petitioner had paid the revised fee demanded by the respondents and he has been continuing as a licencee on such payment having been made. In such circumstances, the writ petition has become infructuous, as no further orders are required to be passed in the present writ petition.

6. The learned counsel appearing for the petitioner had not refuted the submissions made on behalf of the respondents.

7. Based on the submissions made by the learned counsels appearing for the parties concerned, the writ petition is dismissed as infructuous, as no further orders are required to be passed in the present writ petition. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To:

1. Secretary to the
   Ministry of Railway
   The Union of India
   New Delhi

2. The Senior Divisional Commercial Manager
   Madurai

+ 1 CC To Mr. V.G.Suresh Kumar, Advocate SR NO.74455

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